

BEFORE THE ARIZONA VETERINARY MEDICAL EXAMINING BOARD

IN THE MATTER OF:

PAUL BARRETT, DVM

Holder of License No. 2023
For the practice of Veterinary
Medicine in the State of Arizona,

Respondent.

) Case No.: 20-15
)
) CONSENT AGREEMENT
) FINDINGS OF FACT
) CONCLUSIONS OF LAW
) AND ORDER
)
)
)

In the interest of a prompt and judicious settlement of the above captioned matter before the Arizona State Veterinary Medical Examining Board ("Board") and consistent with the public interest, statutory requirements and responsibilities of the Board, and pursuant to A.R.S. §32-2201 et. seq. and A.R.S. § 41-1092.07 (F)(5), the undersigned party, Paul Barrett, D.V.M. ("Respondent"), holder of license No. 2023 for the practice of veterinary medicine in Arizona and the Board enter into this Consent Agreement, Findings of Fact, Conclusion of Law and Order ("Consent Agreement") as final disposition of this matter.

CONSENT AGREEMENT

Respondent understands and agrees that:

1. The Board has jurisdiction over Respondent and the subject matter pursuant to A.R.S. §32-2201, et. seq.

2. Respondent has the right to consult with an attorney prior to entering into this Consent Agreement. Respondent has a right to a public hearing concerning this case. He further acknowledges that at such hearing he could

1 present evidence and cross-examine witnesses. Respondent irrevocably waives
2 his right to such a hearing.

3 3. Respondent irrevocably waives any right to rehearing or review or to any
4 judicial review or any other appeal of these matters.

5 4. The Consent Agreement, once approved by the Board and signed by the
6 Respondent, shall constitute a public record, which may be disseminated as a
7 formal action of the Board. Sufficient evidence exists for the Board to make the
8 Findings of Fact and Conclusions of Law set forth in the Consent Agreement.

9 5. Respondent acknowledges and understands that this Consent
10 Agreement will not become effective until the Board approves it and it is signed
11 by the Board's Executive Director. Respondent acknowledges and agrees that
12 upon signing and returning this Consent Agreement to the Board's Executive
13 Director, Respondent may not revoke his acceptance of the Consent
14 Agreement or make any modifications to the document, regardless of whether
15 the Consent Agreement has been issued by the Executive Director.

16 6. If any part of the Consent Agreement is later declared void or otherwise
17 unenforceable, the remainder of the Order in its entirety shall remain in force
18 and effect.

19 7. Respondent acknowledges that any violation of this Consent Agreement
20 constitutes unprofessional conduct pursuant to A.R.S. § 32-2232 and may result
21 in disciplinary action pursuant to A.R.S. § 32-2234.

22 8. This Consent Agreement and Order is effective on the date signed by the
23 Board.
24
25

1 DATED this 31 day of April 2020.

2 

3 _____
4 Paul Barrett, DVM

5
6 **FINDINGS OF FACT**

7 1. The Board is the duly constituted authority for the regulation and control of
8 the practice of veterinary medicine in the State of Arizona.

9 2. Respondent holds license No. 2023 for the practice of veterinary medicine
10 in the State of Arizona.

11 3. On July 3, 2019, "Louis," a 10-month-old male French Bulldog was
12 presented to Respondents associate, Dr. Erlichman, and was diagnosed with
13 deep malacic corneal ulcer in the left eye; conjunctival pedicle graft was
14 performed that day. The dog was noted in the medical record as fractious
15 when handled. Later that day, the dog was discharged with medications,
16 topical eye drops and oral medications.

17 4. On July 10, 2019, the dog was presented to Respondent and Dr. Erlichman
18 for a recheck exam. Complainant administered Trazadone 50mg, $\frac{3}{4}$ tablet 2
19 hours prior to the visit as instructed. She had been administering the dog's
20 medications – topical and oral. Vitals and diagnostics were not performed due
21 to the dog's temperament. The dog was muzzled and Respondent noted that
22 the eye was healing nicely from the surgery.

23 5. On July 24, 2019, the dog was presented to Respondent for a recheck
24 exam. Complainant had again administered the dog Trazadone prior to the
25 visit as instructed. The dog was muzzled during the exam. The dog had a weight

1 = 20.3 pounds, unable to obtain temperature, pulse rate = 120bpm and a
2 respiration rate = 60rpm. The dog's eye was healing well and Complainant was
3 instructed to continue eye drops and recheck in one month.

4 6. On August 21, 2019, the dog was presented to Respondent for a recheck.
5 Complainant had given the dog 1 50mg Trazadone two hours prior to the
6 exam; Respondent refutes this statement. The dog was not muzzled. The dog
7 had a weight = 21.5 pounds, no temperature – unable, a pulse rate = 130bpm
8 and a respiration rate = pant.

9 7. Technical staff, Ms. Bishop (JJ), attempted to administer drops into the
10 dog's eye prior to Respondent entering the exam room but was unsuccessful.
11 Complainant offered to place the drops in the dog's eyes – the offer was
12 declined; Respondent refutes this statement. According to Complainant,
13 Respondent entered the exam room and attempted to place the eye drops in
14 the dog's eye – the dog bit Respondent, Respondent yelled "son of a bitch"
15 and exited the room. When Respondent returned, he had a bandage on his
16 finger and told Complainant that the dog bit the tip of his thumb off.
17 Respondent then grabbed the dog, forced him on the table and yelled at the
18 dog – "No, no, no! You are not the alpha and your parents should not let you
19 be the alpha;" Respondent refutes this statement. Complainant stated that it
20 was hard to watch but trusted Respondent and was embarrassed the dog bit
21 him. She did feel that the discipline should have occurred immediately after the
22 bite however, not after Respondent returned to the room.

23 8. Complainant continued that Respondent became more aggressive and
24 seemingly angry. He held the dog in the air with both hands around the dog's
25 neck choking him. Respondent denies this; however, the witness supported the

1 action occurred. According to Complainant, Respondent said to the dog, "you
2 are going to meet Jesus" or "you are going to have a talk with Jesus."
3 Complainant realized this was no longer discipline and Respondent was
4 intentionally hurting the dog. Ms. Bishop was trying to get the dog from
5 Respondent's hands.

6 9. Respondent finished the exam on the dog and left the room. Ms. Bishop
7 apologized to Complainant and stated she would be reporting the incident.
8 Complainant paid for the dog's prescription and left, declining to set up
9 another recheck exam.

10 10. According to Respondent, after the dog bit him, he did attempt to
11 discipline the dog by placing the dog on his back and holding his hand over
12 the dog's throat while giving the command, "no, no, no." Ms. Bishop's
13 statement reads that after the dog bit Respondent, he swore and left the room.
14 When Respondent returned, he forced the dog on his back by his neck and
15 yelled "no" multiple times in the dog's face while holding his neck. Ms. Bishop
16 attempted to get the dog away from Respondent as he was extremely upset,
17 but he would not let her. Eventually, Respondent stopped and gave the dog to
18 Ms. Bishop. Respondent finished the exam and left the room. Complainant was
19 very upset.

20 11. Complainant had phoned her husband after leaving the building and
21 later he went to the premises to speak with Respondent. Mr. Mendoza asked
22 Respondent to apologize to his wife, Complainant, for his unprofessional
23 conduct. Respondent did not feel he acted unprofessionally; therefore Mr.
24 Mendoza got contact information for the premises CEO so he could file a
25 complaint through the corporation.

1 12. Complainant did speak with the premises CEO who apologized and
2 indicated an investigation would be conducted. Complainant reported that
3 the dog has been traumatized by the incident and is skittish toward her
4 husband and son.

5 CONCLUSIONS OF LAW

6 13. The Findings of Fact constitutes a violation of **ARS § 32-2232 (12)** as it
7 relates to **AAC R3-11-501 (1)** for failure to show respect to the pet owner
8 through courteous verbal interchange; and failure to provide professionally
9 acceptable procedures due to Respondent's conduct, the behavior
10 modification technique, the amount of time that passed between the bite and
11 the behavior modification, and the decision to not muzzle a known aggressive
12 dog.

13 ORDER

14 Based upon the foregoing Findings of Fact and Conclusions of Law, it is
15 **ORDERED** that Respondent, License No. 2023, be placed on **PROBATION** for a
16 period of **one (1) year**, subject to the following terms and conditions that shall
17 be completed within the Probationary period. These requirements include four
18 (4) hours of continuing education (CE) as detailed below:

19 1. Based upon the foregoing Findings of Fact and Conclusions of Law, **IT**
20 **IS ORDERED THAT** Respondent shall provide written proof satisfactory to the
21 Board that he has completed **two (2) hours of continuing education** (CE) in
22 addition to the existing continuing education required to renew a veterinary
23 license. Respondent shall satisfy these two (2) hours by attending CE in the
24 area of **communication**. Respondent shall submit written verification of
25 attendance to the Board for approval.

1 2. Based upon the foregoing Findings of Fact and Conclusions of Law, **IT**
2 **IS ORDERED THAT** Respondent shall provide written proof satisfactory to the
3 Board that he has completed **two (2) hours of continuing education** (CE) in
4 addition to the existing continuing education required to renew a veterinary
5 license. Respondent shall satisfy these two (2) hours by attending CE in the
6 area of **animal behavior**. Respondent shall submit written verification of
7 attendance to the Board for approval.

8 3. Respondent shall submit to the Board a written outline regarding how
9 he plans to satisfy the requirement in paragraphs 1 and 2 for its approval within
10 sixty (60) days of the effective date of this Consent Agreement. All continuing
11 education to be completed for this Consent Agreement shall be **pre-approved**
12 by the Board. The outline shall include **CE course details** including, **name,**
13 **provider, date(s), hours of CE to be earned,** and a **brief course summary.**

14 4. Respondent shall obey all federal, state and local laws/rules governing
15 the practice of veterinary medicine in this state.

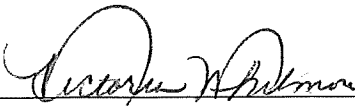
16 5. Respondent shall bear all costs of complying with this Consent
17 Agreement.

18 6. This Consent Agreement is conclusive evidence of the matters
19 described and may be considered by the Board in determining an appropriate
20 sanction in the event a subsequent violation occurs. In the event Respondent
21 violates any term of this Consent Agreement, the Board may, after opportunity
22 for Informal Interview or Formal Hearing, take any other appropriate disciplinary
23 action authorized by law, including suspension or revocation of Respondent's
24 license.
25

ISSUED THIS 11th DAY OF May, 2020.
FOR THE BOARD:

ARIZONA STATE VETERINARY MEDICAL EXAMINING BOARD

Jim Loughhead, Chairperson

By 
Victoria Whitmore, Executive Director

Original of the foregoing filed

This 11th day of May, 2020 with:

Arizona State Veterinary Medical Examining Board
1740 W. Adams St, Ste. 4600
Phoenix, Arizona 85007

Copy of the foregoing mailed by Certified, return receipt mail


This 11th day of May, 2020 to:

Paul Barrett, DVM
Address on file
Respondent

Copy of the foregoing mailed by regular mail

This 11th day of May, 2020 to:

David Stoll, Esq.
Beaugureau, Hancock, Stoll and Schwartz, PC
302 E. Coronado Rd
Phoenix, Arizona 85004

By: 
Victoria Whitmore, Executive Director